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Albert Henricus Franciscus de Heer

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NIXON PEABODY LLP

401 Ninth Street, N.W.

Suite 900

WASHINGTON, DC 20004

EXAMINER

DARNO, PATRICK A

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/626,347	Applicant(s) DE HEER ET AL.	
	Examiner PATRICK A. DARNO	Art Unit 2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. No new claims were added. Claim 10 remains canceled. Claims 1-9 and 11-24 are pending in this office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 8-9, 11-14, 18-21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,740,425 issued to David Povilus (hereinafter “Povilus”) and further in view of U.S. Patent Application Publication Number 2003/0130905 issued to William G. Foster et al. (hereinafter “Foster”).

Claim 1:

Povilus discloses a data structure of a database for use in capturing product data by inputting and storing the product data in the database (*Povilus: column 26, lines 38-39*), the data structure of the database being based on a data model having one or more classes (*Povilus: see abstract – “The concept structure includes at least one concept frame for defining classes of product groupings...”*), wherein each of the classes has one or more associated categories (*Povilus: see abstract, lines 9-14; Note that the classes define (or are associated with) product groupings (or categories).*), the data structure being embodied in a computer readable medium (*Povilus: column 5, lines 55-57 and Fig. 1*) and comprising:

Art Unit: 2169

at least one class definition, each class definition being arranged to identify one or more associated categories of products (*Povilus: see abstract – “The concept structure includes at least one concept frame for defining classes of product groupings...”*);

a plurality of category definitions, each category definition being arranged to identify an associated attribute group of a product category (*Povilus: column 54, lines 46-66*);

a plurality of attribute group definitions, each attribute group definition being arranged to identify one or more attributes that are associated with the attribute group of a product category (*Povilus: column 14, lines 57-67*); and

a plurality of possible value lists (*Povilus: column 10, lines 27-42*).

Povilus does not explicitly disclose:

a plurality of possible value lists for facilitating input and storage of product data into the database, each possible value list having a plurality of predetermined, user selectable values that are selectable during input and storage of product data as a value for an attribute of a product that is being classified and stored in the database so as to minimize potential error during inputting and storing of product data in accordance with the data model;

wherein each attribute is associated with at least one of the plurality of possible value lists which has a plurality of predetermined, user selectable values that are selectable during input and storage of product data as a value for the associated attribute for the product being classified and stored in the database according to the data model.

However, Foster discloses:

a plurality of possible value lists for facilitating input and storage of product data into the database, each possible value list having a plurality of predetermined, user selectable values that

Art Unit: 2169

are selectable during input and storage of product data as a value for an attribute of a product that is being classified and stored in the database so as to minimize potential error during inputting and storing of product data in accordance with the data model (*Foster: see paragraph [0024], [0025], [0033], [0035], lines 11-15, and [0066]*);

wherein each attribute is associated with at least one of the plurality of possible value lists which has a plurality of predetermined, user selectable values that are selectable during input and storage of product data as a value for the associated attribute for the product being classified and stored in the database according to the data model (*Foster: see paragraph [0024], [0025], [0033], and [0066]*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Povilus with the teachings of Foster noted above. The skilled artisan would have been motivated to improve the teachings of Povilus per the above such that product data could be inputted through the use of a drop-down menu (*Foster: paragraph [0033]*), thereby making the input of data into a computer system more efficient and reliable.

Claim 2:

Claim 2 is rejected on grounds corresponding to the reasons given above for rejected claim 1 and is similarly rejected including the following:

Foster discloses further "a plurality of possible unit lists each possible..." (*Foster: see paragraph [0024], [0025], [0033], [0035], lines 11-15, and [0066]*).

Claims 3 & 4:

Claims 3 and 4 are rejected on grounds corresponding to the reasons given for rejected claims 1-2 and are similarly rejected including the following:

--**Povilus** teaches “possible value list is combined with each one...a normalized value”

(Povilus: col. 19, lines 15-27).

Claim 5:

Claim 5 is rejected on grounds corresponding to the reasons given above for rejected claim 1 and is similarly rejected including the following:

Povilus teaches attributes associated with a data capture priority indicator that assigns priorities...” *(Povilus: see col. 14, line 66—column 15, line 7, whereas Povilus’ inheritance block with attributes incorporate an order or priority of attributes associated with the different blocks, therefore teach attributes with a priority that assigns priorities as taught by the applicant above.).*

Claim 8:

Claim 8 is rejected on grounds corresponding to the reasons above for rejected claim 1 and is similarly rejected including the following:

Povilus teaches “a plurality of manufacturer SKUs...SKU system...” *(Povilus: see col. 6, lines 47-67)* “a customer mapping table that maps each system SKU to a customer...” *(Povilus: col. 22, lines 20-67).*

Claim 9 and 11:

Claim 9 is rejected on grounds corresponding to the reasons given above for rejected claims 2-3 & 8 and is similarly rejected including the following:

Claim 11 is rejected on grounds corresponding to the reasons given above for rejected claims 1 & 8 and is similarly rejected including the following:

Povilus teaches “a category identifier associated with each one of the plurality of products...corresponding product” *(Povilus: see col. 3, lines 8-54).*

Art Unit: 2169

Claim 12:

Claim 12 is rejected on the grounds corresponding to the reasons given above for rejected claims 1 & 8 and is similarly rejected including the following:

Povilus teaches “a manufacturer product description associated with each one of the...describing standard features of the associated product” (*Povilus: see col. 51, lines 34-67*).

Claim 13:

Claim 13 is rejected on grounds corresponding to the reasons above for rejected claims 1 & 8 and is similarly rejected including the following:

Povilus teaches “an image table including link to one or more images illustrating the plurality of products...” (*Povilus: see col. 25, lines 16-50 and column 24, lines 37-41*).

Claim 14:

Claim 14 is rejected on grounds corresponding to the reasons given above for rejected claims 1 & 8 and is similarly rejected including the following:

Povilus teaches “a marketing description for selected...products” (*Povilus: see col. 33, lines 55-67 and col. 34, lines 5-25*).

Claim 18:

Claim 18 is rejected under the same reasons set forth in the rejection of claim 1.

Claim 19:

Claim 19 is rejected under the same reasons set forth in the rejection of claim 2.

Claim 20:

Claim 20 is rejected under the same reasons set forth in the rejection of claim 4.

Claim 21:

Claim 21 is rejected under the same reasons set forth in the rejection of claim 5.

Claim 24:

Claim 24 is rejected under the same reasons set forth in the rejection of claims 1 and 8.

3. Claims 6, 15, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Povilus in view of Foster and further in view of U.S. Patent Application Publication Number 2003/0097211 issued to Anthony Carroll et al. (hereinafter “Carroll”).

Claim 6:

Claim 6 is rejected on the grounds corresponding to the reasons given above for rejected claim 1 and is similarly rejected including the following:

The combination of Povilus and Foster appears to disclose all the elements of claim 1, as noted above, but the previously mentioned combination fails to explicitly disclose a possible countries table specifying one or more countries that are selectable during input and storage of product data as countries for which a product being classified and stored in the database according to the data model is adapted for sale.

However, Carroll discloses a possible countries table specifying one or more countries that are selectable during input (*Carroll: paragraph [0042] and Fig. 3a – 3c*) and storage of product data as countries for which a product being classified and stored in the database according to the data model is adapted for sale (*Carroll: paragraph [0042]*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previously mentioned combination with the teachings of Carroll noted above. The skilled artisan would have been motivated to improve the previously mentioned

Art Unit: 2169

combination per the above in order to create a data entry and update method that is relatively easy to implement (*Carroll: paragraph [0007], lines 9-10*).

Claim 15:

Claim 15 is rejected under the same reasons set forth in the rejections of claims 1, 6, and 8.

Claim 22:

Claim 22 is rejected under the same reasons set forth in the rejection of claim 6.

4. Claims 7, 16-17, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Povilus in view of Foster and further in view of U.S. Patent Number 6,182,275 issued to Alan E. Beelitz et al. (hereinafter “Beelitz”).

Claim 7:

Claim 7 is rejected on grounds corresponding to the reasons given above for rejected claim 1 and is similarly rejected including the following:

The combination of Povilus and Fosters discloses all the elements of claim 1, as noted above, but the previously mentioned combination does not explicitly disclose a possible compatibility table including one or more platforms that are selectable during input and storage of product data as platforms which are compatible with a specific product being classified and stored in the database according to the data model.

However, Beelitz discloses a possible compatibility table including one or more platforms that are selectable during input and storage of product data as platforms which are compatible with a specific product being classified and stored in the database according to the data model (*Beelitz: abstract, lines 2-17 and column 18, lines 17-30*).

Art Unit: 2169

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previously mentioned combination with the teachings of Beelitz noted above. The skilled artisan would have been motivated to improve the previously mentioned combination per the above in order to provide a data entry system that can be utilized by users of a various skill levels (*Beelitz: column 3, lines 32-43*). Since a list of compatible options is presented to a user for selection therefrom, the user does not need to be familiar with the product to choose compatible items for data entry. This provides the advantage of a high level of data integrity without having to employ workers who are highly trained in the details or workings of a particular product (*Beelitz: column 3, lines 37-39*).

Claim 16, 17, and 23:

Claims 16, 17, and 23 is rejected under the same reasons set forth in the rejection of claim 7.

Response to Arguments**Argument #1:****Applicant Argues:**

Applicants respectfully disagree that Povilus discloses "a plurality of attribute group definitions, each attribute group definition being arranged to identify one or more attributes that are associated with the attribute group of a product category", as claimed in Claim 1.

In contrast to Claim 1, it is respectfully submitted that Povilus teaches characteristics that "differentiate" each class (see Col. 14, lines 47-63) and that "divide" each class (see Col. 9, lines 29-32), not attribute groups, as claimed in claim 1.

As seen in Fig. 3, Povilus shows differentiating and dividing branching of characteristics; not grouping attributes into attribute groups. For at least this reason, therefore, Applicants respectfully submit that Povilus does not teach or suggest attribute groups as claimed in Claim 1.

Examiner Responds:

Examiner is not persuaded. After a careful review of the prior art of record, it appears that the Applicant and the Examiner simply disagree over the rejection given. The Examiner

Art Unit: 2169

remains convinced that the claims are broad enough, such that the rejections given still “read on” the claim language.

The Examiner asserts that characteristics which “differentiate” or “divide” each class are the equivalent of attribute group definitions and attributes associated with the attribute group of a product category [A more specific mapping of Povilus is shown below.]. An attribute and a characteristic are both simply a property of an object. A property, characteristic, or attribute of a class or group is a property, characteristic, or attribute which is unique to said particular class or group. Such a property can be said to “differentiate” a first class from a second class. Such a property can also be said to “divide” or distinguish a first class from a second class. As a result, the Examiner respectfully disagrees with the Applicant, and maintains that Povilus discloses “a plurality of attribute group definitions, each attribute group definition being arranged to identify one or more attributes that are associated with the attribute group of a product category” [Povilus: column 14, lines 47-57].

Again, as emphasized in the Examiner’s preceding office action, the Examiner specifically notes wherein Povilus discloses “...attributes and behaviors that dictate the navigation of a concept over the characteristics that differentiate each class, or grouping of products from every other class of products...” [Povilus: column 14, lines 47-57]. It appears that the “attributes and behaviors that dictate” of Povilus are equivalent to the claimed “attributes group definitions.” Furthermore, the “characteristics that differentiate each class, or grouping of products” disclosed by Povilus appear to be equivalent to the claimed “attributes that are associated with the attribute group of a product category.”

Art Unit: 2169

Since it appears that each and every element of the Applicant's claimed invention is either disclosed or suggested by the prior art of record, the claims remain rejected under the reasons set forth in the preceding office action.

Argument #2:**Applicant Argues:**

Applicants respectfully disagree that Foster teaches or suggests "a plurality of possible value lists for facilitating input and storage of product data into the database", as claimed in Claim 1. Applicants respectfully submit that Foster discloses pull down type menus with nesting sub-menus for identifying a product in an existing catalog. However, it's respectfully submitted that Foster et al. fails to disclose a data structure for use in capturing product data by inputting and storing the product data into a database that utilizes value lists that have a plurality of predetermined, user selectable values that are selectable during input and storage of product data as a value for an attribute of a product that is being classified and stored in the database so as to minimize potential error during inputting and storing of product data, as claimed in Claim 1.

That is, it is respectfully submitted that Foster does not teach possible value lists for facilitating input and storage of product data, as claimed in Claim 1.

Examiner Responds:

Examiner is not persuaded. After a careful review of the prior art of record, it appears that the Applicant and the Examiner simply disagree over the rejection given. The Examiner remains convinced that the claims are broad enough, such that the rejections given still "read on" the claim language.

The Examiner's position is that the "pull-down" menus disclosed by Foster are the equivalent of the "possible value lists" claimed by the Applicant. Specifically note that Foster recites, "...all product information is inputted initially through the product editor 20, selected through the product menu 22" [Foster: paragraph [0033], lines 1-3]. Foster continues to say that such product menus "may be implemented using standard pull-down type with nesting sub-menus or similar menu structure" [Foster: paragraph [0033], lines 4-6].

The Examiner asserts that all the items contained on the drop-down menus comprise at least a subset of possible values that may be input for a given product. It therefore, follows that such a grouping of items presented in the drop-down menu can naturally be referred to as “a possible value list”.

Further note that the drop-down menus are presented via a user interface [Foster: paragraph [0033], lines 6-8] and that the options from the drop-down are “selected” [Foster: paragraph [0033], lines 1-3]. Therefore, it appears reasonable to conclude that the options or values on the drop-down list are user-selectable.

Since it appears that each and every element of the Applicant's claimed invention is either disclosed or suggested by the prior art of record, the claims remain rejected under the reasons set forth in the preceding office action.

Argument #3:

Applicant Argues:

Further, it is respectfully submitted that the identified information in the menus disclosed in Foster et al. are attributes of the products, and not values for the attributes that are inputted and stored during capturing of product data for a catalog.

Examiner Responds:

Examiner is not persuaded. After a careful review of the prior art of record, it appears that the Applicant and the Examiner simply disagree over the rejection given. The Examiner remains convinced that the claims are broad enough, such that the rejections given still “read on” the claim language.

Foster clearly recites that the menus are “pull-down menus with nesting sub-menus”

[Foster: paragraph [0033]]. While one level in the nested hierarchy may be an attribute, the Examiner asserts that the next nested level after a given hierarchy is where the actual values exist. The values are included in these nested menus because Foster expressly states that all product information is inputted through the product editor, selected through the nested product pull-down menus [Foster: paragraph [0033], lines 1-6].

Since it appears that each and every element of the Applicant's claimed invention is either disclosed or suggested by the prior art of record, the claims remain rejected under the reasons set forth in the preceding office action.

Argument #4:

Applicant Argues:

Regarding each possible value-unit combination is normalized, it is respectfully submitted that, in the present Office Action, the Examiner contradicted himself regarding the reference basis, Foster or Povilus, for the teachings or suggestion regarding this element, and thus, has not clearly indicated where this limitation is taught.

Thus regarding each possible value-unit combination being normalized, as claimed in Claim 3, the Examiner has stated on page 5 of the Office Action that Povilus provides the basis, without mentioning Foster, and has stated on page 15 that Foster provides the basis, without mentioning Povilus; therefore, Applicant's respectfully submit that the Examiner has not made the requisite articulation of obviousness regarding Claim 3.

Applicants respectfully submit that a "normalized base SKU table" in Povilus does not teach or suggest a normalized possible value-unit combination; where the possible value-unit combination is created by combining each one of the values in the possible value list with each one of the units in an associated possible unit list for one of the attributes, as claimed in Claim 3.

For [these reasons], Applicants respectfully submit that Claim 3 is non-obvious based on Povilus and Foster.

Examiner Responds:

Examiner is not persuaded. It is clear from the text of the actual rejections that Povilus is cited as disclosing "each possible value-unit combination is normalized" [See page 5 of Office Action mailed 08/28/2008 and page 5 of the instant Office Action]. On page of the Office Action mailed 08/28/2008, the Examiner cited Povilus: column 19, lines 15-27 as support for showing that the

Applicant's claim limitation was obvious over the prior art of record. The same citation is given on page 5 of the instant office action.

The Examiner simply made a typographical error in the response to arguments section of the Office Action mailed 08/28/2008 by mistakenly referring to the Foster reference on pg. 15. The correct reference referred to should have been Povilus: column 19, lines 15-27. Further inspection of the rejection of claim 3 makes this abundantly clear. The Examiner also notes that no phone was made by the Applicant to the Examiner in order to attempt to resolve any apparent ambiguities in the Office Action mailed 08/29/2008

The Examiner maintains that the limitations of claim 3 are obvious over the prior art of record. As interpreted by the Examiner, Applicant's claim 3 combines or converts data items in a data structure via the process of normalization. And, as interpreted by the Examiner, Povilus takes data items stored in a data structure and combines or converts the data times using techniques of data massaging and normalization [Povilus: column 19, lines 15-27].

The Examiner sets forth that while the data items being normalized may be referred to as different names, no detail of the Applicant's normalization process has been adequately claimed in order to make it patentably distinct from the normalization process disclosed by Povilus. Therefore, the claims remain rejected under the reasons set forth in the preceding office action.

The rejections of claims 4 and 20 are maintained based upon the same reasons given for maintaining the rejections of claim 3.

Art Unit: 2169

Argument #5:

Applicant Argues:

Applicants respectfully submit that Povilus does not teach in the portion cited by the Examiner, or otherwise, "a customer SKU" where "the customer being retailer, reseller, manufacturer, or distributor that has requested the product data", as claimed in Claim 8.

Therefore, Applicants respectfully submit that Povilus does not teach or suggest a customer mapping table that maps each system SKU to a customer SKU assigned to the corresponding product by a particular customer to which product data associated with the product is to be provided, as claimed in Claim 8.

Examiner Responds:

Examiner is not persuaded. After a careful review of the prior art of record, it appears that the Applicant and the Examiner simply disagree over the rejection given. The Examiner remains convinced that the claims are broad enough, such that the rejections given still "read on" the claim language.

It appears that Povilus clearly discloses a system SKU [Povilus: column 6, lines 47-67], a customer SKU [Povilus: column 21, lines 61-64; Note specifically the addition of additional characters to a base product SKU that is based upon an existing manufacturer's printed binder handles. This "exploded" SKU is the customer SKU.], and a customer mapping table that maps the system SKU to the customer SKU [Povilus: column 23, line 35 and column 23, lines 56-58 and column 22, lines 20-67]. All other limitations of claim 8 have been adequately disclosed in the rejection of claim 1.

Since it appears that each and every element of the Applicant's claimed invention is either disclosed or suggested by the prior art of record, the claims remain rejected under the reasons set forth in the preceding office action.

Art Unit: 2169

Argument #6:**Applicant Argues:**

Applicants respectfully traverse the rejection. Claim 6 includes the data structure of Claim 1 further including a possible countries table specifying one or more countries that are selectable during input and storage of product data as countries for which a product being classified and stored in the database according to the data model is adapted for sale. In contrast, Applicants respectfully submit that Carrol teaches providing a list of countries for the user to select a country, from a list of countries, for which the user wishes to download a vehicle alignment specification see [0041] – [0043]. It is respectfully submitted that the country list for downloading a vehicle alignment specification, as taught in Carrol, does not teach or suggest a possible countries table specifying one or more countries that are selectable during input and storage product data, as claimed in claim 6.

Further regarding Claim 15, it recites "[t]he data structure as recited in claim 8, further including: a country table specifying one or more countries for which each product classified and stored in the database according to the data model is adapted for sale". It is respectfully submitted that the country list for downloading a vehicle alignment specification, as taught in Carroll, does not teach or suggest a country table specifying one or more countries for which each product classified and stored in the database according to the data model is adapted for sale, as claimed in claim 15.

Examiner Responds:

Examiner is not persuaded. The Foster reference, as noted above, shows wherein data is input and stored with the use of values found in nested, drop-down menus [Foster: paragraph [0033]]. Carrol simply discloses wherein the data set forth in a list for selection is a list of countries [Carrol: paragraphs [0041], [0042], and [0043]]. As a result, the combination of Povilus, Foster, and Carrol appears to disclose each and every element of claim 6.

Since each and every element of Applicant's claimed invention is either disclosed or suggested by the prior art of record, the claims remain rejected under the reasons set forth in the preceding office action.

Argument #7:**Applicant Argues:**

It is respectfully submitted that, although Beelitz discloses a list of operating systems (see Abstract) and a list of software programs (see Col. 18, lines 17-30) from which a user can

Art Unit: 2169

make a selection, Beelitz does not teach or suggest a possible compatibility table including one or more platforms that are selectable during input and storage of product data, as claimed in Claims 7, 16, 17, and 23.

Examiner Responds:

Examiner is not persuaded. The Examiner asserts that the limitations of claim 7 are obvious in view of the combination of Povilus, Foster, and Beelitz. It appears that the combination of Povilus and Foster disclose all the elements of claim 7 [for example, all incorporated limitations of parent claim 1], except for wherein a list is provided granting the user the choice of operating systems to use while performing data operations.

However, Beelitz sets forth the limitation of providing a user the choice of operating systems to use while performing data operations [Beelitz: abstract and column 18, lines 17-30]. As a result, the combination of Povilus, Foster, and Beelitz appears to disclose each and every element of the Applicant's claimed invention.

Since each and every element of the Applicant's claimed invention is either disclosed or suggested by the prior art of record, the claims remain rejected under the reasons set forth in the preceding office action.

Examiner Concludes:

- All remaining arguments are either clear in view of the rejections given or they have been adequately addressed above. Therefore, the claims remain rejected under the reasons set forth in the preceding office action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick A. Darno whose telephone number is (571) 272-0788. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ali can be reached on (571) 272-4105. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick A. Darno/
Examiner
Art Unit 2169
02-02-2009

PAD

/Mohammad Ali/
Supervisory Patent Examiner, Art Unit 2169

Application/Control Number: 09/626,347
Art Unit: 2169

Page 19